

MINUTES OF VERMILION MUNICIPAL PLANNING COMMISSION on November 7, 2018
7:00 pm - Municipal Complex, 687 Decatur Street, Vermilion

PRESENT: Commission Members – Heidi Strickler, Heather Shirley, Joe Williams, Jim Chapple, Jim Pajk

In ATTENDANCE: Chris Howard, City Engineer; Bill DiFucci, Building Inspector; Mayor Forthofer

H. Strickler, Chairwoman, called the Wednesday, November 7, 2018 meeting to order.

Approval of Minutes:

J. Chapple MOVED; H. Shirley seconded to approve the minutes of the October 3, 2018 meeting. Roll Call Vote 5 YEAS. MOTION CARRIED.

New Business:

Site Plan – PP#: 01-00-027-000-074 – Baumhart Road (Ed's Equipment Company)

Josh of LS Architects, 22082 Lorain Road, Fairview Park, Ohio was present on behalf of Ed 's Equipment. He noted a site plan was submitted and they were looking for approval, so they can begin working on the project. He explained this is a new build with several buildings on the site, which was previously farmland. The buildings will be used for modifying equipment and fixing larger equipment. H. Strickler said it appears they have addressed buffering and landscaping. Josh said he received comments today from the city engineer and was able to edit the site plan as the previous access drive location was not permitted, unless approved by ODOT. Therefore, they relocated the access drive, so it would meet the requirement as addressed by the City Engineer. H. Strickler said if the Planning Commission votes to approve the site plan then it would need to be done contingent upon final review and signoff of the City Engineer. Josh referred to additional comments that were addressed in the City Engineer's correspondence dated November 5, 2018 as they need to provide several drawings of which they will provide as soon as possible. He said the dumpster location was identified in the site plan and it will be enclosed. He said the layout plan talks about labeling the setbacks on Plan C-2 and they will add this, but it was on the previous plans. He noted the proposed improvements/grading within the Limited Access requires ODOT approval as mentioned by the City Engineer, but they won't need this since they relocated the access drive since they won't be doing any development within this Limited Access area. He said per the City Engineer and according to the Consent Judgement the buffering shall be established and clearly shown and labeled on the plans, so he did update the site plan as provided to the members this evening.

H. Shirley asked what their plan was for lighting and Josh believed it was pole lighting and they would make sure the lighting wouldn't escape the site. C. Howard asked that the photometric plan matches the Consent Judgement because it does state exactly what is required. He addressed Item #10 of his correspondence as it correlates with improvements/grading within the Limited Access requiring ODOT approval and noted it will need this approval as they will be sub grading for their outlet basin.

Mayor Forthofer conveyed that Mr. Urbanek has done pretty much what the city has asked of him for almost 11 months in meeting all requirements.

Thomas Palmer of 1680 Cooper Foster Park Road said in 2007 and 2008 the City was sued by the previous owners of the property and he along with his wife and Aunt at that time intervened during this process and this is when they came up with the Consent Judgement. It was agreed upon changes and it was a variance from the Master Plan that the City of Vermilion had to rezone this property. Therefore, they felt it was important to protect themselves. The restrictions of the Consent Judgement were agreed upon by the Vermilion City Council and the City and this is something they want to make sure that is lived up to. The plans he received don't reflect the Consent Judgement. H. Strickler said they did receive an updated version today as the City Engineer

addressed all those items and the Planning Commission will do their due diligence in making sure all these items are addressed as the Consent Judgement is binding.

Anne Palmer of 1680 Cooper Foster Park Road said it's unclear to them if the current property is going to be split into two lots. Joseph Gaucher of 4539 E. Forest Glenn, Marblehead, Ohio was present to represent Mr. Urbanek as he is purchasing about 13.79 acres of land of which he has asked to develop 10.27 acres, and this would be split additionally to separate the storage units from his main business. A. Palmer asked if there is one access drive into both businesses and J. Gaucher noted this is correct and potentially he has no plan to develop the other three acres, but as he understands there is only one access to be associated with the setbacks and various things required. A. Palmer asked if the remaining three acres that abut up to her property on the south side is not going to be developed and J. Gaucher said Mr. Urbanek has no plans to develop it at this time. H. Strickler clarified said they are not officially splitting the land; it's all one parcel – it's just how they are developing it. C. Howard said the applicant came to the city a couple months ago as they split off the residential portion per the Consent Judgement, so they are not doing anything with the residential portion. As of today, they are not splitting that off as it's all one piece right now. They may come back later for another split of the B-3 zoning of what they're doing now. T. Palmer asked if it was normal to go with a proposal instead of on the whole piece of property; just a part of it. H. Strickler said if they want to come back and change the site plan they would need to come back to the Planning Commission. J. Gaucher explained that to transfer this property it had to be surveyed and replotted consistent with the Consent Judgement, but as far as the 10.27 acres the thought process is that they are asking to split that into two parcels which hasn't been done yet pending the outcome of the meeting. B. DiFucci said they can split the property prior to or after but as of now they will approve the site plan the way it sits, but if they come back to split it off then it comes back to Planning Commission for approval. J. Gaucher said the intent is to split the 10.27 acres into these two parcels and their hope is that this would be part of this process for decision. B. DiFucci said they can't do that because they would need the surveys and legal descriptions for both properties they split.

J. Williams asked if any of the parcel will be used for retail business and Josh noted it was for rental storage. A. Palmer asked if there will be any traffic studies performed and asked if the city is concerned about the amount of traffic this business will generate as they know Baumhart Road is 55 mph and there is a hill. C. Howard said the traffic volume generated won't be that much because it's not a commercial development and it shouldn't generate that much business. T. Palmer was concerned with oversized loads entering the property as the machinery is huge. J. Gaucher said it's generally not oversized but semi-sized, but there will be minimal traffic entering and exiting the property.

H. Strickler MOVED; J. Williams seconded to approve the site plan contingent upon final engineering approval of the comments he submitted per his correspondence dated November 5, 2018. Roll Call Vote 5 YEAS.
MOTION CARRIED

Lot Split – PP#01-000-051-040-67 – 2813 Liberty Avenue – Vermilion Restaurant Company, LLC

Grant Giltz, 4835 Munson Street, NW., Canton, Ohio explaining they are selling part of the property, which is known as the Vermilion Restaurant, which is across the street from the Vermilion Shores development. He stated he received the engineer's comments today which need to be addressed. C. Howard explained the zoning line between the B-3 Highway Commercial District and the R-3 Suburban Residence is 450' back from the right of way. G. Giltz asked where the engineer had it from and C. Howard said they had it at 430' from the centerline. Therefore, he recommends they at least go to the zoning line between B-3 and R-3, otherwise they will have a 20' strip of B-3 and R-3 on the remainder. G. Giltz said under their purchase agreement it was the intent to go to the line. C. Howard said he would recommend them going back to the B-3 zoning line. He said the B-3 zoning requires 150' of frontage. Right now, it shows 111' remaining and he would need to make that 150' wide, so they don't need a variance. Therefore, he recommended that the Applicant consider revising the Lot Split so Parcel "1A" has a minimum of 150' of frontage along Liberty Avenue. It was noted they could rezone the property if they

didn't want to follow the recommended changes, but it would have to go to the Vermilion City Council and follow the process.

H. Shirley asked what the purpose of the property is, and the owner said they are going to put in a retail store in the building. They currently own a store in Amherst and they are relocating to Vermilion and their intent is to put an addition on the building.

J. Chapple MOVED; H. Shirley seconded to approve the lot split contingent upon the City Engineer's recommendation as noted per his correspondence dated November 5, 2018. Roll Call 5 YEAS. **MOTION CARRIED**.

Parking Lot Reconfiguration – 5680 Liberty Avenue, Ritter Public Library (Fred Ostrander)

Fred Ostrander representing the Ritter Public Library stated they would like to upgrade the handicap parking in the parking lots to the current standard rather than what they are currently. Within the last year they had somebody who needs a full van accessible parking space to accommodate their wheelchair, so they want to bring the parking lot up to the newest ADA standards. Therefore, on the east parking lot where there are currently three handicap spaces they would like to change it to two spaces, and around the corner they would like to make the first space handicap and in between have a sloped ramp. In the west parking lot, they want to add two handicap spaces where there are none on that side. He understands this will bring everything up to code and will make everyone happy. He didn't realize that in 2009 when the last addition was put on there was a variance for one parking space, so now they would need a variance for one more because they are going to change three into two. H. Strickler said to keep it legal they would need to go before the Zoning Board of Appeals to obtain the variance. F. Ostrander said the library would like to get this work done this year. H. Strickler said they can approve the parking lot reconfiguration contingent upon the City Engineer's comments being addressed and then they can get on the November Zoning agenda. B. DiFucci said the Zoning Board cutoff for application is Friday, November 9 for the meeting to be held November 27.

F. Ostrander addressed the City Engineer's comment relative to the fact that they will need to verify the new ADA parking stall being added at the northwest corner of the parking lot is no greater than 2% maximum grade in any direction. The plans provided don't have existing grades in this area. He said this is a permeable parking lot and he doesn't know if they can change this. C. Howard said ADA code is 2% in every direction. F. Ostrander asked if they could get a waiver on this and C. Howard said they open themselves up to ADA compliance issues if they don't have 2%. F. Ostrander said they will see if they can make the grade.

J. Chapple MOVED; H. Shirley seconded to approve the parking lot reconfiguration contingent upon the City Engineer's comments addressed in his correspondence dated November 5, 2018. Roll Call Vote 5 YEAS. **MOTION CARRIED**.

Adjournment:

Chairwoman Heidi Strickler adjourned the meeting after no further discussion came before the commission.

Next Meeting:

The next meeting has been scheduled for Wednesday, December 5, 2018 at 7:00 p.m.

Gwen Fisher, Certified Municipal Clerk